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July 22, 2022

VIA ECF

Honorable Gary R. Brown
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Hernandez et al v. The Money Source
17 CV 6919 (GRB)(AYS)

Hon. Gary R. Brown:

I represent the Plaintiffs and am writing to request Your Honor's assistance with the matter that we discussed at the end of trial yesterday, i.e., our intention to call Vito DiPietro and Anasha Persuad as rebuttal witnesses.

Both Mr. DiPietro and Ms. Persuad are listed in the JPTO as Defendant's witnesses. *See* Document 71, p. 6. Defendant first advised me it was not calling Mr. DiPietro and Ms. Persuad on July 14, 2022. Plaintiff reserved the right to call them as per the JPTO, "[e]ach party reserves the right to call any and all fact witnesses on the witness lists of the opposing side." Document 71, p. 7.

Yesterday, after I informed The court and Defendant that I wanted to call Mr. DiPietro and Ms. Persuad as rebuttal witnesses, Defendant objected. Your Honor instructed Defendant to find out these witnesses' availability particularly because both are still employees of the Money Source.

Early this morning, I emailed Defendant asking whether they could advise to the availability of the witnesses. I did not receive a response. At approximately 11:30AM today, I called Defendant's counsel seeking an update. Until now, I have yet to receive any information from Defendant regarding the witnesses' availability.

Mindful of the court's desire to conclude this trial by Tuesday, July 26, 2022, I therefore seek the court's intervention to prompt a response from the Defendant.

Respectfully Submitted,

/s/

Lauren Goldberg

cc: Frank Giglio, Esq Counsel for Defendant (via ECF)
cc: Robert Goner, Esq. Counsel for Defendant (via ECF)
cc: Joseph M. Labuda, Counsel for Defendant (via ECF)
cc: Michael Mule, Counsel for Defendant (via ECF)